REMARKS

This Amendment is being filed in response to the Office Action of October 5, 2004. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-9, 11-15, 17, 19-23 are pending in this application. Claims 1, 8, 14, 21, 22, and 23 are independent claims.

In the Office Action, the Examiner rejected Claims 1-9, 11-15, 17, 19-22 under the judicially created doctrine of double patenting as being unpatentable over Claim 1-16 of U.S. Patent No. 6,724,159. In response, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) is enclosed herewith following this amendment. Accordingly, the Applicant respectfully requests that this ground for rejection be withdrawn.

In the Office Action, Claims 1-3, 8, 9, 13-15, and 19-22 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,175,632 to Marx ("Marx").

In view of the current rejection, it appears that the amendments to the claims that were provided in a Preliminary Amendment filed together with submission of this patent application where never considered. For example, Claim 1 now requires (emphasis provided) "analyzing video information focused on a monitored area to identify at least one predefined user activity" as opposed to what is discussed in the Office Action on page 3,

specifically "analyzing at least one of audio and video information focused on a monitored area to identify at least one predefined user activity …" Further, besides this obvious change, the Applicants have presented 5 additional pages (pages 8 through 12 of the Preliminary Amendment) of arguments of why Marx does not anticipate Claims 1-3, 8, 9, 13-15, and 19-22, nor even render those claims obvious, yet none of the additional arguments are mentioned or addressed in the Office Action.

MPEP §707.07(f) requires that all arguments presented by the Applicants be addressed, yet none of the arguments presented in the Preliminary Amendment where discussed at all in the Office Action. The Applicants have no means of addressing issues as to any findings with what may be wrong with the Applicants Arguments. In fact, since none of the Applicants arguments are addressed, the Applicants must assume that the arguments where persuasive and that the Claims in current form are allowable.

In the event that this is true, the Applicants respectfully request a Notice of Allowance be issued. In the event that this presumption is not true, the Applicants respectfully request that a new Office Action addressing those arguments be issued. This new Office Action, if issued, should be non-final and should reset the time for Applicants response so that the Applicants are presented with the opportunity to address those rejections under a non-final Office Action as required under MPEP section 706.07(a).

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By _____

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231
on
January 5, 2005
Neemi Chapa